

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

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BWS PROPERTIES, LLC,	:	
	:	NO.
	:	1:24-CV-29-KAC-CHS
Plaintiff,	:	
	:	Judge Katherine A.
-vs-	:	Crytzer
	:	
AIRGAS USA, LLC,	:	Magistrate Judge
	:	Christopher H. Steger
	:	
Defendant.	:	Jury Demand

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THE DEPOSITION OF  
NICHOLAS R. CORNELISON  
July 3, 2025

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1     **Access Garage Doors?**

2             A       Yes, sir.

3             Q       Okay. And go ahead and tell us, what  
4     **is this amount for?**

5             A       It is \$237.50, trip charge and repair.

6             Q       And a repair of what?

7             A       An overhead door or garage door.

8             Q       Do you know which building the garage  
9     **door was located in?**

10            A       I cannot remember off the top of my  
11    head.

12            Q       Which of the buildings on the property  
13    **have garage doors or roll-up doors, as I might call**  
14    **them?**

15            A       Building 2 -- hold on. Building 4,  
16    I'm pretty sure there was one in Building 1, and I  
17    cannot -- I can't remember off the top of my head for  
18    2 and 3.

19            Q       And it's your understanding that this  
20    **was an amount paid by BWS Properties; is that**  
21    **correct?**

22            A       That is correct.

23            Q       But as I understand it today, you're  
24    **not certain which door or on which building this work**  
25    **was performed?**

1           A       I can't remember, no, sir.

2           **Q       Are the garage doors in each of these**  
3 **buildings original to the buildings?**

4           A       I have no idea.

5                   MR. ROBISON: Let's mark this as  
6 Exhibit 3 and we'll kind of move along.

7                   (The document, as referred to above,  
8 was marked and subsequently attached hereto as  
9 Exhibit No. 3.)

10          BY MR. ROBISON:

11               **Q       Scenic Breezeway, what was the scope**  
12 **of work performed by Scenic Breezeway?**

13           A       I need to look at it again.

14               **Q       Okay. I do not know if I have Scenic**  
15 **Breezeway invoices here with me, but do you know**  
16 **what generally the type of work was performed by**  
17 **Scenic Breezeway?**

18           A       From my memory, it was cleaning and  
19 pressure washing and just essentially a cleanup of  
20 mess.

21               **Q       Which building or buildings was**  
22 **involved in the work by Scenic Breezeway?**

23           A       I cannot recall for sure, but I  
24 believe it was Building Number 1 and 4. But from my  
25 memory, I couldn't tell you off the top of my head.

1           **Q       And what was it?**

2           **A       Repairing 4-foot of 6-foot, 9-gauge**  
3           **wire is what I understand it to be if I can read**  
4           **their writing correctly.**

5           **Q       It is handwritten and it is actually**  
6           **not terrible handwriting, but it's obviously a little**  
7           **harder than print. Do you have any understanding as**  
8           **to where on the property this repair occurred?**

9           **A       On the fence.**

10          **Q       Okay. What kind of a fence is present**  
11          **on this property?**

12          **A       Chain link.**

13          **Q       Are there more than one fence?**

14          **A       That I can recall, no, sir.**

15          **Q       Okay. And do you know what part of**  
16          **the fence or what part of the property it was that**  
17          **this fence repair took place?**

18          **A       Exact location, no.**

19          **Q       What is the date for this invoice?**

20          **A       11/7/23.**

21          **Q       Okay. And do you know when the repair**  
22          **work actually took place?**

23          **A       I do not know when the repair work**  
24          **actually took place.**

25          **Q       Okay. And do you know when the break**

1 or damage or other circumstances that led to the  
2 necessity of a repair took place?

3 A I do not.

4 MR. ROBISON: Let's mark that as  
5 Exhibit 4.

6 (The document, as referred to above,  
7 was marked and subsequently attached hereto as  
8 Exhibit No. 4.)

9 BY MR. ROBISON:

10 Q And then just taking them in order,  
11 Oasis Heating and Air, do you have an understanding  
12 as to what the scope of work was for Oasis Heating  
13 and Air that resulted in the invoice for \$926?

14 A HVAC.

15 Q And when you say heating and air, it  
16 makes sense it will be HVAC work, right?

17 A Correct.

18 Q Do you know in which building?

19 A I do not recall off the top of my  
20 head.

21 Q I'm going to hand you the invoice.  
22 And I'm not trying to make this a pop quiz. We can  
23 make this as open book as we need it to be. Is this  
24 that I've handed you, invoice from Oasis Heating and  
25 Air dated July 29th of 2024, the invoice that you

1 referred to in your report?

2 A Yes, sir.

3 Q Okay. And please let me know if I'm  
4 wrong. I'm not trying to trip you up. But if I have  
5 misunderstood something, I usually want to find out  
6 beforehand.

7 Does this invoice give you any  
8 indication as to where on the property or in which  
9 building this work was performed?

10 A No, sir.

11 Q Okay. You see the date there of  
12 August of 2024. Well, I guess that's the due date.  
13 The invoice date is from July of 2024; is that right?

14 A That is correct.

15 Q So this is not quite a year ago; is  
16 that right?

17 A Yes, sir.

18 Q What is the scope of work that they  
19 performed?

20 A Replaced the disconnect, cleaned the  
21 coils, replaced stopped-up liquid line drier, added  
22 one pound of 410A refrigerant.

23 Q Now, adding the 410A, you called it a  
24 refrigerant, which was my understanding as well.  
25 Does that give you any clarification as to what part

1                   Q       And they were appropriate repairs to  
2       make?

3                   A       Yes, sir.

4                   Q       Okay. And what necessitated the  
5       repair to the garage door that was repaired?

6                   A       The garage door apparently wasn't  
7       working correctly.

8                   Q       Do you know when that stopped working  
9       correctly?

10                  A       I don't know when it stopped working  
11       correctly.

12                  Q       In terms of the work by Scenic  
13       Breezeway, I think your testimony was that it was  
14       pressure washing and maybe removal of some items?

15                  A       Mess.

16                  Q       Okay. When did that work take place,  
17       if you know?

18                  A       I don't know the date it took place,  
19       but the invoice was dated 7/3/23.

20                  Q       And what necessitated the work  
21       performed by Scenic Breezeway?

22                  A       A mess was left.

23                  Q       Okay. And a mess was left by whom or  
24       by what party?

25                  A       I'm assuming Airgas.

1       **refers to?**

2               A       In this specific case, it should be  
3       replace stopped-up liquid line drier. As I  
4       understand, it should be the line from the unit to  
5       the drain pan.

6               Q       There is a drain so the condensation  
7       or whatever sort of liquid can drain away. And was  
8       it simply that that had been stopped up?

9               A       Yes, sir.

10              Q       And I'm going to read the paragraph  
11       above that landlord funded repair expense item, and  
12       then I'll ask you about it.

13                     What it says, Based on the information  
14       noted above and site walkthrough, which you performed  
15       I think in April, as well as information from T.U.  
16       Parks, which I'll ask you about in a moment, I  
17       concluded the following costs associated with the  
18       necessary repairs are accurate, fair, and reasonable  
19       based on the known scopes of work. Did I read that  
20       right?

21              A       Yes, sir.

22              Q       Tell me about information that you  
23       obtained from T.U. Parks. I have a report or I guess  
24       like a budget, like some material from T.U. Parks.  
25       And I have also seen some, though not all, of quotes



1 or bids that may be related to that. Is that what  
2 you have seen from T.U. Parks or is there something  
3 else from T.U. Parks that you have reviewed?

4 A The only thing is a budget. I think  
5 if I remember correctly, it's two pages.

6 Q Okay. Because it's mentioned in the  
7 next item, I'm going to get them out. I'm not going  
8 to make -- again, it's not going to be a pop quiz  
9 where I ask you what the things were. None of us  
10 would be able to pass that quiz.

11 A No.

12 Q But if you know it off the top of your  
13 head, I want to know what your opinions are if it's  
14 something that you formed. So that might make sense  
15 to do that next.

16 Let me first generally ask you, when I  
17 hand you these documents -- it's two pages -- do you  
18 recognize what I have handed you? And please look  
19 through both pages.

20 A Yes, sir.

21 Q Are these the budgets that we had just  
22 talked about?

23 A It is, yes, sir.

24 MR. ROBISON: We're going to refer to  
25 these a bunch because there is a lot of line items in

1 Q When did that conversation take place?

2 A Somewhere between April 15th and  
3 May the 9th. I can't tell you an exact date.

4 Q So somewhere in that three-week period  
5 you spoke to Mr. Willingham?

6           A       That is correct.

7 Q Was it a phone conversation?

8                   A           It was.

9 Q We obviously are going to go through  
10 some of the individual items from the Parks  
11 Construction preliminary budget and things like that.  
12 Let me ask you in order. Had you reviewed the Parks  
13 Construction materials prior to your conversation  
14 with Arch Willingham?

15                   A       I did, yes, sir.

16 Q Okay. To the best of your memory,  
17 what did your conversation with him involve?

18                   A       Real simple questions. Did you  
19   include metal building insulation repairs to  
20   Building 1 and 2?

21 The drywall and ceiling repairs in  
22 Building 1 and 2, the concrete sidewalk and ramp at  
23 Building 4, the concrete slab replacement in front of  
24 Building 4, gutters, downspouts, metal siding, front  
25 corner of Building 4, did you include those items?

1           Q       So that's essentially five questions  
2 or so. And was the answer to each of those questions  
3 no?

4           A       No.

5           Q       Did you ask him any other questions?

6           A       That I can remember, no, sir.

7           Q       Do you know if it was Mr. Willingham  
8 that provided that bid or quote from T.U. Parks?

9           A       I do not know that answer.

10          Q       Do you know who at the company  
11 compiled a bid or budget?

12          A       I do not, no, sir.

13          Q       Do you know if he, Mr. Willingham, had  
14 gone to the property himself and evaluated the  
15 property?

16          A       I did not have that conversation with  
17 him.

18          Q       Do you know if he has ever seen the  
19 property?

20          A       I have not had that conversation with  
21 him.

22          Q       Do you know what he based his  
23 responses on when he responded to you in the negative  
24 as to those scopes of work?

25          A       He pulled out the project file. And I

1           A       I believe so, yes, sir.

2           Q       And what leads you to believe that  
3       backer board is included in this miscellaneous  
4       carpentry work scope?

5           A       And I want to make sure we're clear.  
6       Backer board is typically under ceramic tile. This  
7       building doesn't have any ceramic tile. When I'm  
8       referring to backer board, what I'm talking about is  
9       plywood in the warehouse area. There was a handful  
10      of sections that had some plywood, and there was  
11      damage to that and it was fixing those. In addition  
12      to that, it would be trim inside the office space.

13          Q       I think I understand the trim. Thank  
14      you for helping me understand about the plywood  
15      backer in the warehouse area. Where was there damage  
16      to plywood in the warehouse area?

17          A       In the warehouse area, I can't -- I  
18      don't have a floor plan to specifically point you to  
19      the exact area.

20          Q       Did you take any photographs when you  
21      toured or inspected the building in April?

22          A       I did not.

23          Q       Okay. And there is not any  
24      photographs attached to your report that we could  
25      look at to see where the damage was in the warehouse;

1 I was trying to be general, but sometimes that can  
2 end up being vague. Do you have an understanding  
3 that my client Airgas was a tenant of this building  
4 for some time?

5 A Yes, sir.

6 Q Do you know what business Airgas  
7 operated while it occupied this property?

8 A Welding supplies.

9 Q Do you know about any other businesses  
10 they operated? And I'm not trying to quiz you about  
11 my client. That's fine.

12 A I do not.

13 Q And do you know what prior businesses  
14 operated out of this property?

15 A Before Airgas, I know it was -- we buy  
16 welding supplies as a contractor. It was another  
17 company similar to Airgas.

18 Q Do you remember the name of that  
19 company?

20 A Maybe BOC. I'm not positive if it was  
21 BOC.

22 Q Do you know what business operated out  
23 of that property prior to BOC or --

24 A I have no idea.

25 Q Now, as I understand it, you have been

1 in the construction business since around 1997; is  
2 that right?

3 A That's correct.

4 Q Do you have any knowledge about prior  
5 owner or occupier of the -- this property that went  
6 by the name of Brooks Welding Supply?

7 A No, sir.

8 Q And part of the reason I ask these  
9 questions is to know what to ask or not ask you. So  
10 I'm not going to quiz you about stuff you don't know.  
11 Is that fair?

12 Do you have any understanding as to  
13 the relationship between BWS Properties and a Brooks  
14 Welding Supply Company?

15 A I do not, no, sir.

16 Q I think I understood you to say that  
17 your business is -- has been a customer of BOC or  
18 Airgas in the past?

19 A That is correct.

20 Q Do you still buy supplies from Airgas?

21 A We do from time to time.

22 Q Where is their location now?

23 A If I'm not mistaken, it's on 23rd  
24 Street.

25 Q Did you go to this location when

1           A       The general office -- little small  
2 office area. And I think there was some, if I  
3 remember correctly -- again, it's from memory. There  
4 was some in like a little open area kind of between  
5 the warehouse and the office space, if I remember  
6 that building correctly.

7           Q       And you didn't take any photos  
8 yourself to be able to refer to?

9           A       I did not, no, sir.

10          Q       Okay. The next two items which are 15  
11 and 16 are also broken down into Building 1 and  
12 Building 2. So we at least have the benefit of  
13 knowing what buildings we're talking about. Those  
14 items are listed as strip and wax existing VCT. So  
15 let me ask you a basic question. For the record,  
16 what is VCT?

17          A       Vinyl composition tile.

18          Q       And where in Building 1 is vinyl  
19 composition tile present?

20          A       If I remember correctly, it may have  
21 been the bathrooms and hallway, but, again, I can't  
22 remember specific exact locations. But show me  
23 pictures and I'll tell you which one is what.

24          Q       Was there vinyl composition tile or  
25 VCT flooring in the warehouse?

1           Q       And do you know when the missing piece  
2 or the damage to the rubber base occurred?

3           A       I do not.

4           Q       The next item is number 19. It's the  
5 epoxy floor at the showroom. So we talked about the  
6 showroom earlier. I'm glad you recall about that.  
7 And it may have been used as a showroom. I don't  
8 know what it is now. The flooring there is listed as  
9 epoxy; is that right?

10          A       Yes, sir.

11          Q       What is the scope of work here to do  
12 epoxy floor at the showroom?

13          A       To apply new epoxy floor coating to  
14 the showroom.

15          Q       We can look at some of them. I  
16 brought all that we have. Some of these line items  
17 seem to correspond with bids or quotes from  
18 subcontractors; is that right?

19          A       As I understand it, yes.

20          Q       And, again, I'm not trying to put  
21 words in your mouth.

22          A       Yes, sir.

23          Q       Have you looked at some of those bids  
24 or quotes?

25          A       I honestly cannot remember for



1 certain.

2 Q Let me ask it more generally because I  
3 don't want to assume. Have you looked at any bids or  
4 quotes that would correspond to any line items that  
5 T.U. Parks Construction put together?

6 A I'm being honest. I cannot recall. I  
7 think I did, but I don't want to tell you yes and I  
8 didn't.

9 Q I will represent to you that during  
10 this lawsuit I sent a subpoena to Parks Construction  
11 to get the materials that they used to put together  
12 this bid or this budget. And we received some of  
13 those documents and we exchanged them with all the  
14 parties, obviously.

15 Do you know if you have seen bids  
16 from, for example, Triad Electrical Contractors,  
17 Weeks Paving, Walker Interiors, Stolpmann Plumbing?  
18 Does this ring a bell to you at all?

19 A I'm going to be frank with you. I see  
20 their bids all day, every day. I'm being honest with  
21 you. I cannot recall for this specific case. I  
22 think I did, but I can't remember reading them just  
23 vividly. And literally, I bid three projects  
24 yesterday and I had those same people bidding to me.

25 Q The names that I listed are

1 construction professionals go to check market prices,  
2 check current goings-on in the construction industry.  
3 It is considered a publication as you were mentioning  
4 earlier today. It's a publication for construction  
5 and cost.

6 **Q Does constructiondive.com put out like**  
7 **quarterly or periodic reports or journals or -- help**  
8 **me understand what constructiondive.com publishes.**

9 A They publish various  
10 construction-related issues like various costs of  
11 construction, you know, new safety protocols to be  
12 aware of. There is just all kinds of things related  
13 to construction.

14 **Q I take it, then, that it's not just**  
15 **limited to pricing; it involves other**  
16 **construction-related issues?**

17 A That is correct.

18 **Q Are there specific reports or articles**  
19 **that constructiondive.com has or particular web pages**  
20 **that you consulted in order to come up with this**  
21 **annualized increase of 9.7 percent?**

22 A Yes, sir.

23 **Q And what were those?**

24 A It was their article based on  
25 commercial construction cost increases.

1 Q Who was the author of that article?

2 A I couldn't recall.

3 Q Was there an author?

4 A I'm pretty sure there is.

5 Q And where is that author based out of,  
6 do you know?

7 A I couldn't tell you.

8 Q Do you know if that author was based  
9 out of the greater Chattanooga area?

10 A It's not Chattanooga that I can  
11 recall.

12 Q Okay. Do you know where or in what  
13 market that author was operating?

14 A I do not know, but the article was in  
15 general for the entire area of the U.S.

16 Q Do you know what the author's  
17 qualifications were? Like, was this a general  
18 contractor, for example?

19 A I didn't look up his CV. I have no  
20 idea.

21 Q You know, I even forgot to ask you  
22 earlier. Do you, yourself, hold a GC license?

23 A I do.

24 Q Sometimes a business will have the  
25 license and sometimes an individual has it.

1           A       That's right.

2           Q       Are windows still taking a while to  
3 order?

4           A       They are.

5           Q       Are they taking as long as they were  
6 in like 2022?

7           A       Not at this moment.

8           Q       I would hope not, but -- my  
9 understanding is it was pretty backed up.

10          A       It was brutal. Anything special is  
11 still brutal.

12          Q       This may be quick and it may not. I'm  
13 going to hand you a couple of quotes or bids or  
14 documents. I'm going to ask you to see if you have  
15 ever seen them before. If you haven't seen them  
16 before, just let me know. I don't want to quiz you  
17 on stuff that you haven't studied for. That's not  
18 fair to a student. It's not going to be fair to you.  
19 We're trying not to be cruel professors here.

20                   Do you recall ever seeing this  
21 document before?

22          A       No, sir.

23          Q       Okay. I might go through these then  
24 in a category and do the same thing for the next  
25 ones.

1           A       You want me to keep this or --

2           **Q       Well, if you'll put it to the side for**  
3 **just a moment, because we're going to go through this**  
4 **categorically. Have you seen this document before?**

5           A       I don't believe so, no, sir.

6                   MR. ROBISON: And I guess for the  
7 record, the first document I had showed  
8 Mr. Cornelison was from Triad Electrical Contractors.  
9 The second was from Pro-Coat, Inc.

10 BY MR. ROBISON:

11           **Q       I'll hand you another one. Have you**  
12 **ever seen this document, which for the record is an**  
13 **email from a Tim Stolpmann at Stolpmann Plumbing?**

14           A       It's actually from a Tim Bowman at  
15 Stolpmann Plumbing.

16           **Q       I'm sorry. Thank you.**

17           A       That I can recall, no, sir.

18           **Q       Okay. You've seen emails from Tim**  
19 **Bowman before, I imagine?**

20           A       I have.

21           **Q       Same question for this document. Have**  
22 **you ever seen this document, which for the record is**  
23 **a letter or quote or bid from Weeks Paving authored**  
24 **by Branson Bowen?**

25           A       I have not.

1           Q       Let's set those aside so we don't  
2 confuse them with the exhibits. Until we need to  
3 take our break for lunch, I want to have you take a  
4 look at some photographs. We've talked about those,  
5 and it sounds like you need to see some photographs  
6 to refresh your memory on some things; is that right?

7           A       That is correct.

8           Q       And we try not to be unfair about  
9 quizzing you on things you don't know, but we need to  
10 know the contents of what you know and what you  
11 don't. Oh, I apologize. I need to hand you one more  
12 document. I'm going to ask you, have you ever seen  
13 this document?

14          A       That I'm aware of, no, sir.

15          Q       All right. And for the record, this  
16 is a quotation from Walker Interiors. It looks like  
17 it was from a Jason to T.U. Parks Construction -- or  
18 no, from a Kirk Prince.

19                   Let me ask you generally about those.  
20 Do you -- have you ever done work with Walker  
21 Interiors?

22          A       Yes, sir.

23          Q       And you've done work with Stolpmann  
24 Plumbing?

25          A       Yes, sir.

1 that you say need to be made?

2 A No, sir.

3 Q What building is visible in the back  
4 of that photograph?

5 A It appears to be Building Number 2.

6 Q And then do you have enough  
7 information to say what area we're looking at in the  
8 next photograph which also includes some paving?

9 A The area between Building 2 and 3.

10 Q And you're able to identify that from  
11 your observations?

12 A Uh-huh.

13 Q Is that yes?

14 A Yes, sir.

15 Q What are we seeing in this photograph?

16 A Again, damaged asphalt.

17 Q And how is it damaged?

18 A You've got some rutted-out areas and  
19 spider cracked.

20 Q And have you made a determination as  
21 to what caused the damage to that asphalt?

22 A I have not, no, sir.

23 Q Let me ask you the same question with  
24 the previous photograph. We were just looking at it.  
25 Have you made any determination as to what caused

1     that spider crack or damaged asphalt in the  
2     photograph in between Buildings 1 and 2?

3             A       It appears to me like this has been  
4     damaged from vehicular and/or dumpster traffic. And  
5     then this area is clearly spider cracking because it  
6     needed to be sealed or maintained.

7             Q       And when you say dumpster traffic, do  
8     you say that because there is a dumpster present in  
9     this photograph?

10            A       That would be logical.

11            Q       And do you have any knowledge as to  
12     whether that dumpster was ever present on the  
13     property prior to this photograph being taken?

14            A       No idea.

15            Q       Do you have any knowledge as to where  
16     dumpsters were kept on the property during the  
17     operations of Airgas's business?

18            A       I do not know.

19            Q       I'm sorry to jump back to that, but  
20     the photograph that we had looked at with the area  
21     between Buildings 2 and 3 of -- I think you said that  
22     you didn't have a knowledge as to what caused this  
23     asphalt damage. Are there any other observations  
24     that you need to call to our attention in this  
25     photograph about the asphalt or about any of the



1 asphalt paving and concrete in this photograph?

2 A You are correct.

3 Q What can you tell me about this  
4 photograph other than damage? Do you know when this  
5 damage occurred?

6 A I do not know when.

7 Q Do you know who or what mechanism  
8 caused this damage?

9 A I do not know what, but --

10 Q Is this the sort of damage that would  
11 take place over many years?

12 A It depends on if it's being abused.  
13 You could get out there and do doughnuts with a  
14 bulldozer and do it.

15 Q I guess for the record, do you have  
16 any indication that anybody tried to do doughnuts  
17 with a bulldozer here?

18 A I do not.

19 Q If so, I would be impressed to see  
20 what that looked like.

21 A Uh-huh. But it's definitely damaged  
22 concrete and asphalt.

23 Q Do you know what this area of the  
24 property was used for?

25 A I do not, no, sir.

1 The photographs are not dated.

2 BY MR. ROBISON:

3 Q Fair. All the photographs that you  
4 have reviewed of the property you have disclosed to  
5 us in your report; is that right?

6 A Yes, sir.

7 Q And I think you gave us like Bates  
8 ranges like they have been stamped about what you  
9 reviewed?

10 A Yes.

11 Q So we have -- every photograph that  
12 you have reviewed, we know what it is because it's  
13 right here in your report?

14 A That is correct.

15 Q To your knowledge, were any of those  
16 photographs taken prior to 2023?

17 A I do not know.

18 Q Do you have any knowledge about any  
19 large tanks or bulk tanks that might have been  
20 installed on this property at some point?

21 A I do not, no, sir.

22 Q Any other observations that you need  
23 to draw our attention to in this photograph before I  
24 ask you about these items?

25 A No, sir.

1           A       I would have taken it off, yes, sir.

2           Q       We already talked about concrete slab  
3 replacement from those photographs. The last item  
4 that we haven't talked about yet, but we referred to  
5 a little bit, was gutter, downspouts, metal siding,  
6 front corner, Building 4. If you can, tell me about  
7 that. And, obviously, we'll look at a photograph if  
8 we come across one.

9           A       So that is this area on the L, if you  
10 want to call it the toe of the L. This same -- if  
11 you was looking this direction, it would be there.  
12 There is literally metal siding panels that are just  
13 destroyed. The gutter and downspouts in that area is  
14 literally squashed and/or broken. It is repairing  
15 and replacing those pieces in that corner.

16          Q       What caused that damage?

17          A       I do not know.

18          Q       Do you know when it was caused?

19          A       I do not know.

20          Q       Is this an area of Building 4 that has  
21 what I might call like an open bay?

22          A       I think that -- I don't know if it was  
23 open because siding was missing. I can't remember  
24 exactly. But there was some part of the building  
25 that was open, yes, sir.

1           Q       Do you have any understanding if there  
2 was a part of Building 4 that's open and there is not  
3 a door that will close it off?

4           A       Uh-huh.

5           Q       Is that yes?

6           A       Yes. But I can't -- my point is I  
7 can't recall if it was like because pieces were  
8 missing or if it was because an opening. I can't  
9 remember.

10          Q       You just don't know?

11          A       Yeah.

12          Q       Okay. And that's fine. I don't mean  
13 to ask you about stuff you don't know. With those  
14 five items in mind, as we go through them, let's try  
15 to make sure we catch them as we go if we see a  
16 photograph including them.

17          A       Yes, sir.

18          Q       But as I understand it, you didn't  
19 take any photographs of these areas when you  
20 performed your inspection?

21          A       I did not.

22          Q       Let's keep on moving through the  
23 photographs, again keeping those items in mind. Can  
24 you tell me what this next photograph is? And I'll  
25 tell you it looks like it's a view through a window

1 Q Do you know --

2 A I can't tell from the photo.

3 Q Can you tell from the photograph  
4 whether this door is damaged or ajar or there is  
5 something else going on with the door?

6 A Well, it's clearly ajar. And it  
7 appears, if you follow the line, to be out of plumb.

8 Q Am I correct that this is a man door  
9 as we have called them?

10 A Best I can tell, yes, sir.

11 Q Do you know? I don't want to put  
12 words in your mouth. Do you know if it's a man door?

13 A It appears to be a man door.

14 Q I don't see like a knob on there as  
15 it's not in the photograph.

16 A Huh-uh.

17 Q Is that a no?

18 A I don't see one either.

19 Q And then if there is damage here, do  
20 you know who caused it or when it was caused?

21 A I do not.

22 Q This set of photographs that I showed  
23 you, do you have a memory of reviewing these  
24 photographs prior to creating your report?

25 A No, sir.

1       **structure above in some manner?**

2               A       It is, yes, sir.

3               Q       **How is that typically done?**

4               A       Typically with a hanging wire, a heavy  
5 wire.

6               Q       **Did you get up in there and look to  
7 see what the connections were in this space?**

8               A       I did not, no, sir.

9               Q       **Is looking at it enough for you to  
10 determine that those connections have come undone in  
11 some way?**

12              A       Pretty much, yes, sir, based on  
13 experience.

14              Q       **And I'm sorry to ask the obvious  
15 questions, but sometimes we have to, right? Did you  
16 determine what had caused those disconnections or the  
17 falling down of a portion of the ceiling?**

18              A       No, sir.

19              Q       **And did you determine when it occurred  
20 or who did it?**

21              A       I did not.

22              Q       **There are what looks like a couple  
23 lighting fixtures visible in this photograph. Do  
24 they appear to be functional to you?**

25              A       Best I can tell, yes, sir.

1           A       I believe so, yes, sir.

2           Q       Is there a reason you didn't provide  
3       calculations or the takeoffs or any sort of, you  
4       know, scratch-pad calculations for any of these items  
5       that you provide for us on your report?

6           A       No. That is customarily how I price  
7       work every single day of my life.

8           Q       Did you discuss the annualized  
9       increase in the budget with anybody else in the  
10      industry like -- and I don't -- I'm not going to  
11      compare it to like comps that you get in the real  
12      industry or anything like that. But did you talk  
13      around and see how anybody else's numbers have  
14      increased or decreased in the Chattanooga area?

15          A       We talk about that all the time at  
16      various meetings.

17          Q       With respect to this project and this  
18      scope of work?

19          A       In this project, I didn't go ask  
20      anybody specifically, no, sir.

21          Q       So as I understand it with your  
22      opinions, you have told us what it's going to cost to  
23      perform this work; is that fair?

24          A       That is fair.

25          Q       And with respect to the Parks

1 Construction amounts, you have told us in your --  
2 it's your opinion that those are fair amounts to do  
3 that scope of work?

4 A That is correct.

5 Q And as I understand it, you're not  
6 giving us an opinion about who caused the damage or  
7 when it was caused or what specific incident caused  
8 the damage; you're just talking about what it's going  
9 to take to fix it?

10 A That is correct.

11 Q Have you offered any opinion as to who  
12 needs to pay for that amount or just what it's going  
13 to cost to fix it?

14 A Just what it's going to cost to fix  
15 it.

16 Q As you can tell, I'm almost done. If  
17 you'll bear with me just a moment to make sure I hit  
18 points that I need to. You've been very generous  
19 with your time. I appreciate it.

20 Did you ever count the number of  
21 lights that were out that needed to be repaired or  
22 have bulbs replaced?

23 A I don't know that I have an exact  
24 count. I mean, I don't have it, like, written down  
25 here in front of me, but I'm sure as we walked



## REPORTER'S CERTIFICATE

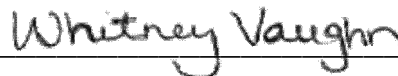
STATE OF TENNESSEE :

COUNTY OF HAMILTON :

I, Whitney A. Vaughn, Court Reporter and Notary Public, do hereby certify that the foregoing deposition was stenographically recorded by me as stated in the caption. NICHOLAS CORNELISON was duly sworn by me; that pages 1 to 278, inclusive, were reduced to typewriting under my direction and supervision, and the deposition is a true and correct record, to the best of my ability, of the testimony/evidence given by the deponent.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the action. All rates charged are usual and customary.

This is the 13th day of July, 2025.



Whitney Vaughn, TN LCR #418

Court Reporter and Notary Public

My Commission Expires 12/23/28

